

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
SEPTEMBER 17, 2008**

CALL TO ORDER	A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Jim Heim, Marc Pitman, Gordon Cross and Randy Toavs. Gene Dziza, Mike Mower, Rita Hall and Frank DeKort had excused absences. George Smith, Dianna Broadie, Alex Hogle and BJ Grieve represented the Flathead County Planning & Zoning Office. There were approximately 6 people in the audience.
APPROVAL OF MINUTES	No minutes were approved at this meeting.
PUBLIC COMMENT <i>(not related to agenda items)</i>	None.
MAJOR LAND USE REVIEW BRIAN KELLY (FCMU-08-02)	A request by Brian Kelly for a Major Land Use Review for the construction and operation of six commercial guest cabins on one tract of land within the C.A.L.U.R.S (Canyon Area) Zoning District. The property is located at 290 Izaak Walton Road.
STAFF REPORT	George Smith reviewed Staff Report FCMU 08-02 for the Board.
BOARD QUESTIONS	Pitman wanted to know if a water system was an existing system. Smith said they have a well already on site and are tapping into that system. The system is under review by the Environmental Health Department as well as the septic.
APPLICANT PRESENTATION	None.
AGENCY COMMENTS	None.
PUBLIC COMMENTS	<u>Olaf Ervin</u> , 1658 North Fork Road, spoke of the condition regarding the storm water permit. Since it may or may not be required, depending on how much is disturbed, Montana Mapping Associates has had the same condition placed on certain things in the past and he thought it might be a good idea to put <i>if required</i> by DEQ. In the past they had to go back to the commissioners to have the condition altered because DEQ said a permit wasn't required. It could be a stumbling block if it's not required. Just that little bit of language can make it a lot easier.

**STAFF
REBUTTAL**

Smith said he had no problem with adding the language. He put it in there because he knew they disturbed more than an acre and that's the threshold.

**MOTION TO
ADOPT F.O.F**

Pitman made a motion seconded by Hickey-AuClaire to adopt Staff Report FCMU-08-02 as findings-of-fact.

**SUBSIDIARY
MOTION
(Amend F.O.F #5)**

Pitman made a motion seconded by Hickey-AuClaire to amend finding-of-fact #5 to read: The applicant shall secure a storm water plan approved by the Montana Department of Environmental Quality, if required.

**ROLL CALL
(Amend F.O.F #5)**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO
ADOPT F.O.F**

On a roll call vote the motion passed unanimously.

**MOTION TO
APPROVE**

Pitman made a motion seconded by Heim to adopt Staff Report FCMU-08-02 and recommended approval to the Board of County Commissioners.

**ROLL CALL TO
APPROVE**

On a roll call vote the motion passed unanimously.

**PRELIMINARY
PLAT/ELK TRAIL
ESTATES NO. 2
(FPP 08-16)**

A request by Judy Miller for Preliminary Plat approval of Elk Trail Estates No. 2, a four lot single-family residential subdivision on 14.39 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located at 231 Cayuse Lane.

STAFF REPORT

Dianna Broadie reviewed Staff Report FPP 08-16 for the Board.

**BOARD
QUESTIONS**

Cross referred to the subdivision regulations stating half-streets or roads are prohibited except for essential to the development of the subdivision and where the commission is assured it will be possible to require the dedication of the other half of the roadway when an adjoining property is subdivided.

Broadie stated she felt they met half of the regulation, the latter half. They had already recorded the road when they did the certificate of survey. However, both conditions need to be met. Staff doesn't feel the first condition is met because they could do the subdivision otherwise.

Cross said it looked to him like parcel B would have half the road on two sides of this. This was a lot previously created by family transfer. The regulations say if you are going to accept the half of the road there has to be assurances they can get the other half of the road from the third party.

Broadie said they already have it recorded as well. It has been recorded exactly how it is shown on the certificate of survey. It was recorded in May just before they submitted this application.

Toavs asked which parcels had been created by family transfer.

Broadie pointed out on the map the family transfers and minor subdivisions done by the same family.

APPLICANT PRESENTATION

Narda Wilson, 184 Midway Drive, represented the applicant. She had a couple of issues she wanted to address. She spoke of the family transfers to the son and daughter of Judy Miller (the applicant), noted as Parcel A and Parcel B on the north side of property. She referenced a copy of a certificate of survey (COS) which pointed out a 60-foot road and utility easement that had been recorded and intended to serve those lots as well as the subdivision. She was not entirely in agreement with the interpretation of the half-street issue. It doesn't really matter if staff would support a variance they are fine with that as well. One of the issues that came up after submittal of the application for the subdivision was the paving requirements. The applicants were told they would be required to put down 24-feet of paving for this four lot subdivision. Essentially it would ultimately serve six lots. The property owner requested a variance based on low density. Basically the road is about 600-feet long and isn't going to go anywhere. They would propose 20-feet as opposed to 24-feet. She spoke of another subdivision, Scenic View, having a similar situation where there was an existing gravel road to serve the home and an additional three lots created through family transfer. There was a requirement to upgrade the road to county gravel standards. She had asked staff why Scenic View was required to upgrade the road to a county gravel standard where they have a very similar situation with the existing road and are required to pave. She asked the board to consider whether or not they have a similar situation where there is an existing road and they didn't require paving and now there is a recommendation requiring paving. She spoke about the conditions of approval. Condition #17, doesn't matter if it is there or not as the road has already been recorded. Condition #18, there are draft covenants which include a road users maintenance agreement that already includes Parcel A and Parcel B. Condition #19 requires a 10-foot bike and pedestrian easement along Cayuse Lane. She would not consider Cayuse Lane a collector road but rather an arterial road. It's not a huge issue but they would rather not put the easement there. Condition #21, she didn't believe there was a provision to ask for an easement on property outside of the subdivision and it is not owned by these property owners. There is no impact associated with that. She cited sections of the subdivision regulations dealing with the issue. She pointed out on the map the road and asked how they could require placing an easement on somebody else's property in order to achieve a loop road system. The applicants do not want the road to go through. There is access to the property from the north and there is no reason to require a loop road.

They do not want the road to go through it is not their intention, it is off-site and they don't own the property to the north. They would like condition #21 to be eliminated. One other minor issue, maybe an oversight by staff, there wasn't anything specifically addressing the type of road improvements being required. There should be some type of specific condition that is addressed under the section. She would suggest the board delete condition #21 and replace it with language stating the subdivision road shall be upgraded to county standards for gravel roads with a minimum 24-foot wide surface to the northern boundary of lot three and the road will incorporate an approved hammerhead turnaround. The roadway shall be constructed prior to final plat approval and certified by a licensed engineer and is constructed in accordance with Flathead County minimum standards for design construction. There needs to be some clarity as to exactly what kinds of road improvements are being required.

BOARD QUESTIONS

Hickey-au Claire asked for clarification regarding Parcel B and whether it is owned by the applicants.

Wilson said only one parcel is owned by the Millers.

Toavs stated both parcels did belong to the applicants and they split them and sold Parcel A. He asked Wilson if she was a part of the previous subdivisions and family transfers.

Wilson said she was hired to represent them for this subdivision and that is her history of this property.

Toavs asked if there were ever consideration given to keeping that, obviously it's a very nice property and a through street would be what the board usually wants.

Wilson said they don't want a through street. If they had wanted a through street they would have put a road utility easement when they did the family transfer to the north.

AGENCY COMMENTS

None.

PUBLIC COMMENTS

Dianna Memmer, 373 Cayuse Lane, spoke of Elk Run Estates No. 1 and the paving required for that subdivision. Before the minor subdivision there were 13 people accessing the gravel road. Then there was a family transfer of two lots and another family transfer of two more lots. Of the first two lots created, one was sold, and with the second family transfer both of those lots have for sale signs on them. She had a problem with the applicants asking for a variance for no paving. In her opinion the whole thing is a major subdivision. Her basic concern was the number of lots they previously had and this is one whole piece of property. She agreed with being consistent with the area and appreciated what the applicants are doing with the large lots.

What they've done with it is fine but the real issue comes down to the road access. The property does abut Cayuse school property and a lot of children are out right next to it in the field every day. We have kids walking along the road every day from Cayuse Prairie School. This subdivision is impacting local services because out of this whole subdivision lot there will be 13 more wells and septic systems. It's a huge impact on Freckles Lane and Cayuse Lane. She was not opposed to subdividing but was opposed to the applicants not wanting to pave the road which would affect the dust and the air. She was also opposed to them skirting the major subdivision review guidelines to begin with. The idea of not looping the road really affects the whole neighborhood and would be an impact for emergency vehicles. She asked the board to rally consider the request on variances on paving. It will really effect area overall. Especially with the Cayuse Prairie School system right there.

Tom Benvenuto, 235 Cayuse Lane, spoke of the neighbors having a disagreement on paving and whether or not it was supposed to be done. Now the whole thing is a major subdivision and his concern is the dust. The neighbors have been maintaining the road over the years. He wanted to know if the subdivider would have to go back and fix the road that is accessing other estates and now the new ones because it's all going to be tied in as one big major subdivision. The neighbors have to maintain the road and now with more traffic and dust, that was everyone's concern when the applicants first started subdividing. The road is unpaved and dusty. He wanted to know what anybody could do, if this gets approved as a major subdivision, about the other development that's already in. They were not required to pave.

Cross said there is very little anybody could do at this time. The only proposal before this board tonight is this particular subdivision. While it is obviously interrelated the regulations don't allow the board to go back and do over something that's already been done and gone through the approval process. Unfortunately, there is nothing the board could do tonight to try to alleviate an existing condition on Freckles Lane. It's technically unrelated but he understands there are similar owners etc...but because it was done in separate segments, each one legally is looked at separately. There is really no provision under which the board could go back and look at those lots already created.

APPLICANT REBUTTAL

Wilson spoke of the loop road to the north. Even if the easement were required it doesn't mean the property owners would be required to put the road in to connect to Freckles Lane. It becomes problematic even if at some point in the future the road were to connect it deals with people who are not part of the subdivision. They prefer to use the road going to the south and not contributing to the maintenance of the road. The idea of looping the road is inherently problematic. The subdivision on Elk Trail and also Clark Acres, which fronts along

Freckles Lane, were approved under a set of regulations in place at the time. Those conditions were met and at this point if the property owners want the road paved they could do some kind of a pro rata share of cost to improve the road. That would be an option to getting the road paved at this point. She didn't think it was fair of the neighborhood to ask the applicants to pave after four or five years. She reiterated she didn't believe there was a logical reason to require the connection of the road to the north. There is not a provision in the subdivision regulations allowing the county to do it.

**STAFF
REBUTTAL**

Grieve said there was some discussion about the difference between Scenic View Subdivision and Elk Trail Estates No. 2 and he did some research about it. If the board wanted to know what staffs thoughts were on the issue he would go into it. He wouldn't do it unless the board wanted to know. If it bears any relevance to the boards discussion he was prepared to discuss the difference.

Broadie said she was opposed to the gravel. If staff were to stick strictly to the regulations they would simply have to move the road so it would comply with the regulations. If staff wanted to be strict, letter of the law kind of people the applicants would have to pave the road. Staff thought the proposed access they already have, including the family transfer lots, is probably more sensible. On the other hand, staff felt they'd want to see the condition of paving. The area does have dust problems and staff simply cannot support not having the road paved. It's not in the better public health and interest of the community. As far as the connection, the Miller's do own one of the two lots, and it might be a little more difficult to get the access from the other applicant. Staff would prefer it but are not leaning strongly one way or the other.

Grieve said staff, for the most part, agrees with Wilson. It is difficult to impose an access easement on someone else's property external to the subdivision. It's legally challenging.

**MOTION TO
ADOPT F.O.F**

Pitman made a motion seconded by Hickey-Au Claire to adopt Staff Report FPP-08-16 as findings-of-fact.

**BOARD
DISCUSSION**

Cross said the handout from Broadie was fairly instructive and showed the history of the property. It appears it was all one owner, two minor subdivisions and a major they have ended up with a pretty good little subdivision with a large number of lots. Connectivity, while it may or may not be something people had looked at, might have been seen as desirable if they were to look at this all at once. It's difficult to come in and put it in after the fact. The planning department has seen and the board has seen it supported by a number of things that helps with traffic. The more options people have when leaving their home and ways to get there cuts the traffic on various roads in half. The wisdom of requiring paving roads and the wisdom of looking for connectivity, he wouldn't support doing it after-the-fact, it shows the wisdom of why

you would want to do that and why the county isn't necessarily well served by subdivisions that end up like what the board is seeing tonight that were done on a piece meal basis through half family transfers and half minor subdivisions. You end up with something a lot less than ideal.

Heim said dust is the big issue in the county and to continue to approve subdivisions without paving it will never get better it will only get worse.

Cross agreed and said there wouldn't have been a question if it were coming in as a six lot subdivision. It would have been paved as an internal subdivision road. He couldn't fault the findings that were there. He wanted clarification regarding parkland requirements.

Broadie said they would provide cash-in-lieu, condition #20 requires the applicants to provide that.

Hickey-AuClaire asked for clarification on finding-of-fact #11.

Broadie clarified for the board.

**SUBSIDIARY
MOTION
(Amend F.O.F #11)**

Pitman made a motion seconded by Hickey- AuClaire to amend finding-of-fact #11 to reflect what Broadie handed out to the board. The finding would read: *The placement of the a 30 foot portion of the road right of way on the neighboring properties is counter to existing subdivision regulations, however two roads paralleling one another is not in the interest of good planning and does not further public health and safety because two roads would exit without proper safety separation. Therefore, a variance to allow the proposed internal subdivision is in the best interest of public health and safety. To ensure the public health and safety that roadway should be paved.*

**ROLL CALL
(Amend F.O.F #11)**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO
ADOPT F.O.F
(AS AMENDED)**

On a roll call vote the motion passed unanimously.

**MOTION TO
APPROVE**

Pitman made a motion seconded by Heim to adopt Staff Report FPP-08-16 and recommended approval to the Board of County Commissioners.

**BOARD
DISCUSSION**

The board and staff discussed the variance.

**SUBSIDIARY
MOTION
(Variance)**

Pitman made a motion seconded by Heim to include the variance approval with the recommendation to the Board of County Commissioners.

ROLL CALL
(Variance)

On a roll call vote the motion passed unanimously

BOARD
DISCUSSION

Cross asked staff about the request by the developer to add specific language concerning the construction of the road. Broadie had language in condition #6 but the developer requested condition #21 be replaced by specific language.

Broadie said staff felt the hammerhead was sufficient for public health and safety.

SUBSIDIARY
MOTION
(Amend condition
#6)

Cross made a motion seconded by Pitman to amend condition #6 to read: *All internal subdivision roads shall be certified by a licensed engineer, paved and constructed in accordance with Flathead County Minimum Standards for Design and Construction.*

ROLL CALL
(Amend condition
#6)

On a roll call vote the motion passed unanimously.

BOARD
DISCUSSION

Heim asked if it had been concluded condition #21 could be deleted because it's somebody else's property.

Cross said it wasn't concluded but the board could certainly make a motion to that effect.

SUBSIDIARY
MOTION
(Delete condition
#21)

Heim made a motion seconded by Pitman to delete condition #21.

BOARD
DISCUSSION

Pitman commented since the roads were not already paved they would create even more dust. He would like to have it for emergency access with the hammerhead turnaround. And there is property there the applicants don't even own.

Cross said at some point in time there may be a deal made to create access based on the people who may own it in years to come. There is a possibility conditions may change to where they like the idea. The owner of Parcel A might like to exit to the south and in order to do that they give the easement for connectivity. He was in favor of deleting the condition at this point.

ROLL CALL
(Delete condition
#21)

On a roll call vote the motion passed unanimously.

**BOARD
DISCUSSION**

Hickey-AuClaire commented about the CC&R's knowing the board and staff cannot control them. Regardless, they state no lots shall be further subdivided into a parcel less than 2.5 acres. She wanted to know if the board should put a condition stating that.

Broadie said staff is not necessarily recommending that condition. Staff would look at CC&R's during any subsequent review if they decide to amend one of the plats.

Cross said he would be happy to put no further subdivision.

Grieve said if the board puts a condition on there about no further subdivision, all it means is they won't subdivide it again before they apply for final plat and they show conformance with the condition. After that the conditions go away, there are no conditions after final plat has been approved. If they board wanted to place the condition on the face of the plat it would be fine. It doesn't do anything, but go ahead if it makes the board feel better. If it were to be challenged it probably wouldn't hold up because just a statement on the face of the final plat doesn't preclude a person's right to apply for an application under the subdivision and platting act.

**ROLL CALL TO
APPROVE
(As Amended)**

On a roll call vote the motion passed 4-1 with Toavs dissenting.

**PRELIMINARY
PLAT/EAGLE'S
CREST BLUFFS
LOT 11
(FPP 08-06)**

A request by Robert and Lynn Lust for Preliminary Plat approval of the re-subdivision of Lot 11, Eagles Crest Bluffs, a 2 lot single-family residential subdivision on 9.67 acres. Lot 11A is proposed to connect to Lakeside Water and Sewer District, and Lot 11B will use the currently approved septic and well. The property is located at 1115 Trappers Creek Road.

STAFF REPORT

Alex Hogle reviewed Staff Report FPP 08-06 for the Board.

Heim disclosed he had provided comment from the Lakeside Water & Sewer District. He personally did not see any conflict of interest as he basically made the statement that sewer service was available if they could get the appropriate easements. If the board members agree he would be part of the discussion.

The board members agreed there was not a conflict.

**BOARD
QUESTIONS**

Heim said largely this is all factual especially when you consider condition #19 stating they need to get a will-serve letter for water for the development. The water system isn't built yet. The Lakeside Water & Sewer District doesn't have the water system yet. Therefore, they do not have a firm agreement with the developer for the transfer of ownership because it isn't built yet. They are working on the agreement. When the staff report says to get a will-serve letter for

water; sewer is correct, but he couldn't give them a will-serve letter for water because he doesn't have a water system. So when the report says to get it from developer that is the correct way to say it. So that makes just about everything right except you don't have the will-serve letter. The consequence of not having a water system is to have individual wells.

Hogle said the reason why he addressed that was due to solicitations and comments. DEQ commented with that. He was aware the system still had a long way to go.

Heim said his question would be for somebody, if the water system never gets built what happens to the preliminary plat application if they have to go with individual wells.

Hogle said the board may want to amend the language on that particular condition to include an 'or' statement. There could be a well drilled.

Heim said there were two wells drilled but there are no pipes. Those are coming in a later phase.

Hogle said he was speaking of a specific lot that could potentially have a well put on it if it was feasible. Another option would be to have the potential for a shared well agreement. He pointed out the original lot 11, when it was approved, included a shared well agreement. There is an existing well located right on the property line. The shared well agreement would be between Lots 11 and 12. There is the potential to establish a shared well agreement. The applicants are proposing to drill a well on lot 11B and not use the shared well agreement.

Heim said what's happened since then is that the sewer line has been extended to the left of the driveway and with proper easements sewer service is available for both lots. The water system isn't there yet.

APPLICANT PRESENTATION

Olaf Ervin, of Montana Mapping Associates, represented the applicant. He said he worked close with staff on this application. Due to concerns from the Lakeside Community Council and Glen Gray of the Environmental Health Department, it seemed the best thing to do was to modify the configuration and address those valid concerns. He felt they had done that. When it went back to the Lakeside Community Council the applicant didn't have any representation and staff did not attend either. He didn't really know what they talked about and he is not exactly sure where their recommendation came from. They were pretty confident they had addressed everything that had been brought up at the first meeting and were somewhat shocked there was a recommendation for denial. They feel they acted in good faith and addressed all the concerns which almost had to do entirely with the size of the building pads, their placement in accordance with the CC&R's with the existing development and also with the septic system

vs. the sewer. The reason they are not as concerned about a will-serve letter from the developer is because if the preliminary plat is approved, it is good for three years. If at the end of that time a water system is not put in place the applicants would go back to the commissioners and ask for an amendment to that condition. There is no reason to think a water system wouldn't be on place in four years. As far as the concerns of the Environmental Health Department, they would like to see both lots served by the Lakeside sewer and not just the one new lot. Since the lot has already been approved and reviewed for septic system it is exempt from requirement to go through DEQ again. If it met the criteria before, nothing has changed and it's already been approved. The additional sanitary facilities would use the Lakeside system. They have no problem with that. He handed out a preliminary plat slightly altered as far as the easement to allow connection to Lakeside water and sewer. They had initially proposed running between lots 39 and 40 but it appears someone has drilled a well in the easement and so they are now proposing to run a line along the northern line to lot 40 and along their boundary so they comply with all necessary setbacks and separation distances. Nothing has changed on the configuration it's just illustrating there is an additional easement in place to allow facilities to reach a lot that is there. There are easements in place along the western boundary that would allow sewer. All of this is going to be pressurized going up hill. They are a little concerned about having a main come down to the property boundary because if they have an individual in-house lift that pumps directly out of the residence up into a gravity main up above, whereas if they have to pump to a main extension off a property boundary they are probably looking at a lift station which could be cost prohibitive. They thought it would be better served by individual in-house lifts.

They would rather not hook up lot 11B to Lakeside sewer since it's already approved for a septic system. Let's assume we achieve preliminary plat approval through this process, before final plat goes through the Health Department gets to have final say as to what we are going to put in there. We have to make the case that using the existing septic is going to be appropriate.

BOARD QUESTIONS

Cross said as the staff report is now written, the conditions are both 11A and 11B would have public water & sewer. If the board were to pass the proposal as presented by staff, in essence Ervin was saying he wouldn't be ecstatic but he would live with it.

Ervin said they would have to. Their preference would be the condition change so lot 11A would be served by community water & sewer. Right now, the way the regulations are set up, lot 11B wouldn't go through review as it's already been through a review. If the board thinks it's necessary and appropriate then by all means. They would be proposing two service lines rather than a main line extension and a lift station.

Heim said there are a number of subdivisions around approved for septic. There are old subdivisions that now have sewer lines going through there or by there. He thought it was the Health Departments position that if they were within 500-feet on an existing parcel, the county regulations apply and they must hook up to public services. Ervin made a statement that because it has prior approval for septic they can go ahead and do that. He thought they would still have to issue a septic permit out of that office. If they won't, aren't they the ruling authority on that. The new sewer line had been installed after lot 11 was approved for septic. He thought the Health Department would say the regulations apply. It's an existing lot within 500-feet and they would enforce the county regulations because it is within that distance.

Ervin said he was correct in everything he was saying but there was a little more to it. Just as a family transfer is an exemption to the subdivision and platting act; there are certain situations in the sanitation and subdivision act which are exempt from review. One of those is if there is a pre-existing approval or prior approval that has gone through review. Also, they are more than 500 feet away. Since there is no septic in the ground, this doesn't have an existing structure it may make sense for them to hook both of these into the sewer. If the board wanted to re-write lot 11B be approved to Lakeside sewer in order to make everyone feel comfortable with the proposal, they could do that.

Heim commented on the letter from the Health Department. They are suggesting how the applicant could hook up to services. Heim said they could run two service lines to the property; they would not have to run a main line. You'd have individual easements for the sewer service line on each lot. You would have two trenches instead of one because you are on pumps the size of the lot.

Ervin said the board could condition the proposal stating both lots be reviewed by the Health Department and DEQ. That way they would review them both whether or not they need to.

**AGENCY
COMMENTS**

None.

**PUBLIC
COMMENTS**

None.

**APPLICANT
REBUTTAL**

None.

**STAFF
REBUTTAL**

Hogle commented on the options for sewer and the idea of the prior sanitation approval. He spoke with Glen Gray, sanitarian for the Flathead City-County Health Department, so he could have a better understanding. He pointed out to Gray the lot had prior approval for a

septic that was proposed. Gray said when lot 11 was reviewed for septic it was lot 11. They look at the area of the lot. Once it is changed and becomes two lots, there are a couple factors that would bring this into requiring a new review. One is the original septic approval was based on a lot that no longer exists in that configuration. It is not an existing system as the facility hasn't been installed yet. That would require review again because lot 11B is now a new parcel. A few options when it wouldn't be required, they look at the cost of connecting and if it is three times or more to connect than it would be to do individual systems, and if the individual system is viable, then perhaps review won't be required. It's not unheard of when the sanitation review occurs, subsequent to preliminary plat approval, the actual approval for sanitation is different from what was originally proposed because of certain details that come out in their review. It is a possibility. In this part of the process, it's demonstrating there is a viable option or possibly multiple viable options. He would still stand by the language in condition 17. Mr. Heim's comment on the use of two service lines instead of a main, he thought was very insightful. He was not attached to requiring mains be extended to the property, but he would still stand by the intent of both lots being connected to public services. He spoke of the remaining lots within the Eagles Crest subdivision able to be split further. In the particular area of Trappers Creek Road, the subject property is the only lot able to subdivide based on acreage. He did not anticipate the neighboring lots would benefit from having mains extended. If there were the potential for other lots to hook in, it would certainly be something to hang with the particular recommendation.

**MOTION TO
ADOPT F.O.F**

Pitman made a motion seconded by Hickey-AuClaire to adopt Staff Report FPP-08-06 as findings-of-fact.

**BOARD
DISCUSSION**

Cross asked for clarification on the Lakeside Community Council recommendation.

Hogle said he missed the meeting with no excuse. He phoned the chairman of the committee as they had not communicated with staff regarding their actions. The first time he attended the committee meeting, he commented the committee was extremely hostile and were not for any of the subdivisions in Eagle's Crest. The committee felt they had been duped on the whole thing as they were told originally it was all going to be large lots. When he went down for the original meeting they were not supportive of this proposal and hadn't been for any of the Eagles Crest Vistas either. When he called and spoke with them regarding this meeting, the chairman said he had no comment; basically they looked at it and felt since nobody showed up for the meeting it didn't matter so they recommended denial. When asked if the committee made any findings relative to review criteria and he said they had not.

Cross said he doesn't like to go against a local land use advisory board

but when the board doesn't have a lot of input it makes it difficult. He supported the staff report as written because staff made a change in what the application was that they turned down which is that you are now going to have public services to both lots. To him it is a big improvement and a reasonable trade-off for subdividing a lot. He agreed with the staff report and the findings as written.

**ROLL CALL TO
ADOPT F.O.F**

On a roll call vote the motion passed unanimously.

**MOTION TO
APPROVE**

Hickey-AuClaire made a motion seconded by Pitman to adopt Staff Report FPP-08-06 and recommended approval to the Board of County Commissioners.

**SUBSIDIARY
MOTION
(Amend Condition
#17)**

1. Pitman made a motion seconded by Hickey-AuClaire to amend condition #17 to read: Lots 11A and 11B shall connect to public water and sewer services. ~~The Service connections or~~ extended mains shall abut the subject property (Lot 11) at the time of final plat.

**ROLL CALL
(Amend Condition
#17)**

On a roll call vote the motion passed unanimously.

**ROLL CALL TO
APPROVE**

On a roll call vote the motion passed unanimously.

**COMMITTEE
REPORTS**

Cross said committee B met but what is happening with the transition team also meeting they have kind of reacted to them. At this point they are moving down a road and committee B's work is more or less done other than staff working on the map. They may want to meet in case there are questions and/or issues that pop up and what might happen is the issues will get smaller and smaller as opposed to bigger, and all the big ones were kind of discussed. Jon Smith, County Attorney, discussed the prospect of grandfathering in the existing Planned Unit Developments (PUD) but he has to research the idea.

Committee B won't meet again unless there was a need.

Grieve stated they do not have to meet Friday. It's looking like staff won't be able to meet the timeline because of the issue of the legal description. There are 62 different boundaries and writing a legal description for each one can't be done in a week and a half. It can also be a physical description but property lines don't always follow the roads. Staff doesn't know what Whitefish did when they adopted the 'W' zones but are looking into it. If Whitefish used physical descriptions we might be able to use it, but we'll have to go through every single one because any annexations would have pushed a new boundary in; or any other zone changes might have pushed a new boundary in it so we have to go through every one. That right there and writing the report, in addition to preparing the maps can't be done

in a week and a half. Staff will report back to the transition team what they find out in Whitefish and hopefully will have a new schedule drawn up.

OLD BUSINESS

Cross spoke with Shelly Gonzales (BLUAC) who requested having a meeting with other land use advisory committees as well as the planning board members. He does not see any need for a meeting prior to the commissioners meeting regarding neighborhood plans. They are interested in having a workshop on the neighborhood plan as soon as the 30 day protest period with the commissioners expires.

Grieve said Thursday, the Whitefish Transition Donut Team meeting from 3:00 pm until 5:00 pm meets. Mower can't make it and had requested Cross attend in his absence. Cross said he would take his place.

NEW BUSINESS

Committee A will meet Wednesday, October 1st at 6pm.

ADJOURNMENT

The meeting was adjourned at approximately 8:45 p.m. on a motion by Heim. The next meeting will be held at 6:00 p.m. on September 24, 2008.

Gordon Cross, President

Mary Sevier, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 11/19/08